

REMARKS

Claims 1, 8, 9, 14, 29, 33-35, 37, 40, and 43 have been amended, and claims 6, 11, 21, 25, 30-32, 36, 39, and 42 have been cancelled. Thus, claims 1-5, 7-10, 12-20, 22-24, 26-29, 33-35, 37, 38, 40, 41, and 43-47 are pending in the present application. The claim amendments are supported by the specification and claims of the present application, with no new matter being added. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

The specification has been amended to correct a typographical error.

1. Double Patenting

Claims 1-24, 26-38, 42, and 44-47 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-15, 17-58, 61 and 73 of copending U.S. Application Serial No. 10/021,532 for the reasons set forth on pages 2-3 of the Office Action.

Applicants will submit a terminal disclaimer to overcome the double patenting rejection of the present claims once allowable subject matter is indicated.

2. Rejections Under 35 U.S.C. § 112

Claims 6, 37-41, and 43 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 6 and 39 have been cancelled, and claims 40 and 43 have been amended to delete the term “amphophilic”. Claim 37 has been amended to change the term “amphophilic” to “amphiphilic” as suggested by the Examiner.

Accordingly, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

3. Rejections Under 35 U.S.C. § 103

Claims 1-5, 7-23, 26-31, and 36-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,754,754 to Garito et al. (hereafter “*Garito*”) in view of U.S. Patent No. 6,132,427 to Jones et al. (hereafter “*Jones*”) and further in view of U.S. Patent No. 5,295,978 to Fan et al. (hereafter “*Fan*”) for the reasons set forth on pages 4-12 of the Office Action. Applicants respectfully traverse.

Claim 1 has been amended to recite that the multi-character material comprises a “copolymer of a hydrophobic monomer, polymer, or material and a hydrophilic monomer, polymer, or material.” Support for this limitation is found in the specification on page 14, paragraph [045]. Independent claims 17, 40, and 43 recite similar copolymer limitations. There is no teaching or suggestion in any of the cited references of such a copolymer feature.

Independent claim 29 has been amended to recite the limitations of claim 32, which was not rejected over the cited references.

Accordingly, claims 1, 17, 29, 40, and 43 would not have been obvious over the cited references. The remaining rejected claims depend from a respective one of claims 1, 17, or 29, and thus include the limitations of the respective independent claims. Hence, these dependent claims would not have been obvious over the cited references for at least the same reasons as discussed above for claims 1, 17, and 29. Applicants therefore respectfully request that the rejection of the claims under 35 U.S.C. § 103(a) be withdrawn.

4. Allowable Subject Matter

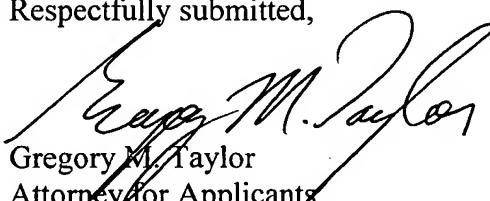
Applicants note that claims 44-47 were not rejected by the Examiner over the cited references. Thus, these claims should be allowable over the cited references and also present patentable subject matter.

CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event there remains any impediment to allowance of the application, which could be clarified in a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 28th day of February 2004.

Respectfully submitted,


Gregory M. Taylor
Attorney for Applicants
Registration No. 34,263
Customer No. 022913

GMT:vfw
W:\14458\41\VFW000003091V001.doc